



**OFFICE of the ZONING ADMINISTRATOR
CITY OF HUNTINGTON BEACH • CALIFORNIA**

P.O. BOX 190

CALIFORNIA 92648

(714) 536-5271

NOTICE OF ACTION

March 4, 2010

Tamara Zeier
Project Navigator
One Point Drive, Suite #320
Brea, CA 92821

NAVIGATOR, L.
RECEIVED

BY: [Signature] DATE: 03/04/10

SUBJECT: COASTAL DEVELOPMENT PERMIT NO. 2009-007 (ASCON LANDFILL-INTERIM REMOVAL MEASURES)

APPLICANT: Tamara Zeier, Project Navigator

REQUEST: To permit the Interim Removal Measure of tarry materials from two interior lagoons in the southwest area of the Ascon Landfill site to enable assessment of the materials underneath the lagoons. This request shall provide a more complete assessment and analysis of the necessary onsite remediation activities in an effort to protect public health and safety and the environment.

PROPERTY OWNER: Cannery Hamilton Properties, LLC, c/o Glenn Anderson, 6111 Bollinger Canyon Rd., Rm BYY1-3456, San Ramon, CA 94583

LOCATION: 21641 Magnolia Street (southwest corner of Magnolia Street and Hamilton Avenue)

PROJECT PLANNER: Rosemary Medel

DATE OF ACTION: March 3, 2010

On Wednesday, March 3, 2010, the Huntington Beach Zoning Administrator took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application.

The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the Secretary of the Planning Commission within ten (10) working days of the date of the Zoning Administrator's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of Two Thousand Two Dollars (\$2002.00). In your case, the last day for filing an appeal and paying the filing fee is March 17, 2010, at 5:00 PM.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless the activity has begun.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Rosemary Medel, the project planner, at (714) 374-1684 or via email at RMedel@Surfcity-hb.org or the Planning and Building Department Zoning Counter at (714) 536-5271.

Sincerely,


Ricky Ramos
Zoning Administrator

RR:RM:kdc
Attachment

c: Honorable Mayor and City Council
Chair and Planning Commission
Fred A. Wilson, City Administrator
Scott Hess, Director of Planning & Building
Herb Fauland, Planning Manager
William H. Reardon, Division Chief/Fire Marshal
Steve Bogart, Acting Principal Civil Engineer
Debbie DeBow, Acting Principal Engineer
Gerald Caraig, Permit-Plan Check Manager
Judy Demers
Cannery Hamilton Properties, LLC, c/o Glenn Anderson & c/o Mary UrashimaProject
File

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

COASTAL DEVELOPMENT PERMIT NO. 2009-007

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that because the Department of Toxic Substances Control is the lead agency and is processing a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) Guidelines the project is exempt from any additional CEQA provisions imposed by the City of Huntington Beach. The City finds that this project is exempt pursuant to Section 15330 of the California Environmental Quality Act because the project will mitigate the future remediation of the site upon the analysis conducted as part of this Interim Removal Measure analysis.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2009-007:

1. Coastal Development Permit No. 2009-007 for the Interim Removal Measure, as modified by conditions of approval, conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Land Use Policy C 8.3.12 to protect against the spillage of crude oil, gas, petroleum products, or hazardous substances. The project provides for effective containment and cleanup facilities and procedures for accidental spills, which may occur.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. No permanent development is proposed at this time. The project as proposed is to remove and recycle to the greatest extent feasible tarry liquids, including potential onsite treatment to increase recyclability (e.g., water removal, sediment removal), if necessary. It also includes the removal and disposal of tarry liquids at an offsite disposal facility, including firming or drying through addition of soil/soil mixing and/or addition of firming or drying agent prior to removal from the site, if necessary, excavation, and disposal.
3. The project does not include development. Development will not occur until the site is remediated and released for construction by the Department of Toxic Substances Control. No infrastructure is required to serve the project site at this time.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project site consists of a toxic dump site. No public access to the site is required or desirable, no public recreation facilities exist at the site and no opportunities for providing public recreation facilities at this site are present. The project will not alter public views to coastal resources.

CONDITIONS OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 2009-007:

1. The revised Interim Removal Measure dated October 2009 shall be the conceptually approved project.

2. Prior to the issuance of permits or the commencement of work, the following shall be completed:
 - a. The final version of the Interim Removal Measure workplan shall be submitted for Public Works and Planning and Building Department review and approval. **(PW-PL&B)**
 - b. The applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) conforming to the current National Pollution Discharge Elimination System (NPDES) requirements shall be submitted to the Department of Public Works for review and acceptance. A copy of the current SWPPP shall be kept at the project site and another copy to be submitted to the City. **(DAMP). (PW)**
 - c. Approval of the Interim Removal Measure shall not be in effect until the Department of Toxic Substances Control has taken action on the Mitigated Negative Declaration, which the City of Huntington Beach shall receive a copy of prior to commencement of any work on the site. The applicant shall comply with all applicable mitigation measures identified in the Mitigated Negative Declaration.
 - d. If the operations described in the approved Interim Removal Measure Workplan necessitate a grading permit pursuant to the City of Huntington Beach Municipal Code, Chapter 17.05 (Grading and Excavation), then a grading permit shall be issued by the Public Works Department. **(PW)**
 - e. Any truck haul route plan as required by the project Code Requirements shall also depict locations designated for truck staging and queuing.
 - f. The condition of the existing pavement on Hamilton Avenue shall be evaluated before and after the completion of work, and based on mutual review by the applicant and the City of Huntington Beach; the applicant shall reimburse the City for proportionate share of pavement deterioration caused by the proposed project. **(PW)**
 - g. If any mature trees are to be removed, the applicant shall provide a consulting arborist report on all existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain shall be protected and how far construction/grading shall be kept from the trunk. **(Resolution 4545). (PW)**
 - h. The Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Said Arborist report shall be incorporated onto the Landscape Architect's plans as construction notes and/or construction requirements. The report shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. **(Resolution-4545) (PW)**

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.